

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

|                                     |   |                              |
|-------------------------------------|---|------------------------------|
| <b>ANN L. BRESLIN,</b>              | : |                              |
|                                     | : |                              |
| <b>Plaintiff,</b>                   | : |                              |
|                                     | : | <b>C.A. NO. 05-290 (GMS)</b> |
| <b>v.</b>                           | : |                              |
|                                     | : |                              |
| <b>STATE OF DELAWARE</b>            | : | <b>JURY TRIAL DEMANDED</b>   |
| <b>DEPARTMENT OF NATURAL</b>        | : |                              |
| <b>RESOURCES AND ENVIRONMENTAL:</b> | : |                              |
| <b>CONTROL,</b>                     | : |                              |
|                                     | : |                              |
| <b>Defendant.</b>                   | : |                              |

**PLAINTIFF'S RESPONSE TO DEFENDANT'S  
FIRST REQUEST FOR ADMISSIONS**

1. Plaintiff Breslin removed a file folder with information in it pertaining to her job and/or her job performance from Karl Kalbacher's office, after Karl Kalbacher ceased being her supervisor.  
  
RESPONSE: Denied.
2. Plaintiff Breslin's attorney voluntarily withdrew the grievance he had filed on plaintiffs' behalf pursuant to the Delaware State Merit Rules prior to the hearing before the State Merit Employee Board.  
  
RESPONSE: Admitted.
3. Plaintiff Breslin knew at the time of the withdrawal of her Merit Rule Grievance in 2004 that the Delaware State Merit Rules provide that grievances must be filed within certain time frames.  
  
RESPONSE: Denied.
4. Plaintiff Breslin would not have accepted employment with the state of Delaware in the Environmental Scientist III position if she knew that years

later she would continue to be paid at the same percentage of mid-point of the pay scale at which she was initially hired.

RESPONSE: Denied.

5. Plaintiff Breslin knew that she could have filed a grievance to request a review of the DNREC Human Resource Office's denial of the advanced hire requested at the time she was hired in the Environmental Scientist III position, and she did not file the grievance.

RESPONSE: Admitted.

6. Plaintiff Breslin personally discussed her belief she should be paid more with at least five employees in the SIRB Branch at DNREC.

RESPONSE: Admitted.

7. Plaintiff Breslin was part of work group or committee, consisting of both men and women, and the purpose of the committee or work group was to secure higher pay for the DNREC employees in the Environmental Scientist series.

RESPONSE: Admitted.

8. Plaintiff Breslin knows of other employees at DNREC, both men and women, who are dissatisfied with how the Human Resource's Office at DNREC's application of the State Merit Rules have impacted their pay.

RESPONSE: Denied.

9. Delaware law requires the State of Delaware Department of Natural Resources and /Environmental Control to follow the Delaware State Merit Rules with respect to pay of employees.

RESPONSE: Admitted.

10. The Delaware State Merit Rules require the Department of Natural Resources and Environmental Control to pay employees to the minimum percentage of mid-point of the salary range, unless the Merit Rules provide a different mechanism for determining an employee's compensation.

RESPONSE: Admitted.

MARGOLIS EDELSTEIN



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